

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KONNECH, INC.,

Plaintiff,

v.

TRUE THE VOTE, INC., *et al.*,

Defendants.

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Civil Action No. 4:22-cv-03096

ORDER DISSOLVING PRELIMINARY INJUNCTION

On December 1, 2022, Defendants Catherine Engelbrecht, Gregg Phillips, and True the Vote, Inc. moved this Court to dissolve the preliminary injunction issued on October 31, 2022. The Court of Appeals on the recent mandamus petition, *Phillips*, No. 22-20578, 2022 WL 17175826, at *1 (5th Cir. Nov. 22, 2022) (hereafter “*Phillips I*”), ruling on Defendants’ petition for writ of mandamus (titled “Mandamus from the United States District Court for the Southern District of Texas”), filed on November 3, 2022, stated “the district court’s TRO was invalid.” The Fifth Circuit went on to hold that “[i]t necessarily follows that any contempt order premised on violations of the [invalid] TRO was ‘bottomed irrevocably on a mistake of law,’” citing *United States v. Dickinson*, 465 F.2d 496, 514 (5th Cir. 1972). This Court finds that it also necessarily follows that the preliminary injunction, which mirrors the invalid TRO, is now invalid. Moreover, because the Court of Appeals found here insufficient evidence in the record of an “emergency”, or claim of irreparable harm, the TRO and preliminary injunction premised on such a finding of harm must be dissolved.

So ordered,

JUDGE KENNETH HOYT